

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF BERNALILLO,

Petitioner,

v.

CIV 14-0844 KBM/SMV

DIANNA J. DURAN, in her capacity  
as Secretary of State of New Mexico,

Respondent,

and Concerning

MAGGIE TOULOUSE OLIVER, in her capacity  
as County Clerk of the County of Bernalillo,

Interested Party.

**and**

STATE OF NEW MEXICO EX REL. GERALDINE SALAZAR  
AND THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF SANTA FE,

Petitioners,

CIV 14 -0848 KBM/RHS

v.

THE HONORABLE DIANNA J. DURAN, in her official  
capacity as SECRETARY OF STATE FOR THE STATE  
OF NEW MEXICO,

Respondent.

**ORDER REMANDING CASES**

THIS MATTER came before the Court on the Motions to Remand filed by the Petitioners in both of the above consolidated actions. Pursuant to 28 U.S.C. § 636 and FED. R. CIV. P. 73, all parties have consented to me serving as the presiding judge and conducting all proceedings. Having given due consideration to the submissions of the parties and the arguments of counsel at today's hearing, the Court found that it lacks federal question subject matter jurisdiction to support the removal of both actions and set forth its rationale which is incorporated by reference. The Court will therefore grant the motions to remand.

IT IS HEREBY ORDERED that these matters are hereby **remanded to the New Mexico Supreme Court.**

IT IS FURTHER ORDERED that the Court retains jurisdiction, to the extent that it is permitted to do so, to address any requests pursuant to 28 U.S.C. § 1447(c) for payment of just costs and actual expenses, including any attorney fees, incurred as a result of the removal.

Date: September 18, 2014

  
UNITED STATES CHIEF MAGISTRATE JUDGE